

DOCKET NO.: ISIS0003-101 (ISIS-5030)

PATENT

REMARKS

Claims 1-132 have been cancelled herein without prejudice to their presentation in another application. Claims 133-148 have been amended herein, support for which can be found in cancelled claim 67 (and dependent claims thereon). No new matter has been added. Upon entry of the amendment, claims 133-148 will be pending.

Applicant acknowledges the Examiner's citation of WO 94/01550 at page 12 of the Office Action. Applicant notes, however, that this reference was not used in any manner to reject the claims. Applicant will address this reference at such time as a rejection is based thereon.

I. The Claimed Invention Is Supported by Ample Written Description

Claims 1-37, 40-58, 61-71, 74-87, and 93 are rejected under 35 U.S.C. §112, first paragraph, as allegedly containing subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. Although Applicant believes the claims are supported by ample written description in the specification, solely to advance prosecution of the present application, new claims have been added.

New claim 133 recites, in part, "wherein the enriched polypeptide comprises an amino acid sequence that is at least 80% homologous to SEQ ID NO:2," support for which can be found at, for example, page 9, line 8 to page 10, line 7 of the specification. The amino acid sequence set forth in SEQ ID NO:2 is clearly defined in the specification and Sequence Listing. Thus, the specification provides ample written description for the polypeptides recited in the new claims.

New claim 133 also recites "contacting the duplex with an enriched polypeptide," support for which can be found at, for example, page 35, line 18 to page 36, line 28 of the specification. Applicant teaches in the specification that the enriched polypeptide can be provided by any number of methods, including, for example, upregulating the endogenous production of the polypeptide within the cell, by exogenously adding a vector encoding the polypeptide to the cell, or by exogenously adding the polypeptide to the cell. Any of these methods amply supports "contacting the duplex with an enriched polypeptide."

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In view of the foregoing, Applicant respectfully requests that the rejection under 35 U.S.C. §112, first paragraph, as allegedly failing to provide sufficient written description be withdrawn.

II. The Claimed Invention Is Novel

Claims 1-5, 8-11, 13, 14, 33-37, 40-45, 51-58, 61-71, 74-79, 84-86, and 93 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Wu et al., J. Biol. Chem., 1998, 273, 2532-2542 (hereinafter, the “Wu reference”). Claims 12, 54, and 87 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 6,506,559 (hereinafter, the “Fire reference”). Claims 1-5, 9-11, 13, 14, 33-37, 40-45, 51-53, 55-58, 61-71, 74-79, 84-86, and 93 are rejected under 35 U.S.C. §102(a) as allegedly being anticipated by U.S. Patent No. 6,107,094 (hereinafter, the “Crooke reference”). Claims 6 and 7, which recite that the RNase III polypeptide is present in an enriched amount, were not rejected over any of the cited references. New claims 133-148 recite “contacting the duplex with an enriched polypeptide.” Thus, new claims 133-148 are not anticipated by any of the cited references.

Thus, in view of the foregoing, Applicant respectfully requests that the rejections under 35 U.S.C. §102(b) and §102(a) be withdrawn.

III. Obviousness-Type Double Patenting

Claims 1-5, 9-11, 13, 14, 33-37, 40-45, 51-53, 55-58, 61-71, 74-79, 84-86, and 93 are rejected under the doctrine of obviousness-type double patenting as allegedly being unpatentable over claim 2 of the Crooke reference (i.e., U.S. Patent No. 6,107,094). Claims 6 and 7, which recite that the RNase III polypeptide is present in an enriched amount, were not included within the present rejection. New claims 133-148 recite “contacting the duplex with an enriched polypeptide.” Thus, new claims 133-148 are not obvious in view of the Crooke reference. Accordingly, Applicant respectfully request that the obviousness-type double patenting rejection be withdrawn.

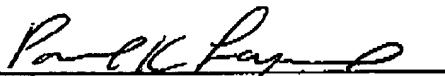
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IV. Conclusion

In view of the foregoing, Applicant respectfully submits that the claims are in condition for allowance. An early notice of the same is earnestly solicited. The Examiner is invited to contact Applicant's undersigned representative at (215) 665-6914 if there are any questions regarding Applicant's claimed invention.

Respectfully submitted,



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